

Marion, Leslie L

From: Marion, Leslie L
Sent: Tuesday, October 30, 2018 1:30 PM
To: '62751-82901089@requests.muckrock.com'
Subject: MuckRock FOIA DEPT MR 62751 - Post-Incarceration Housing
Attachments: 2018-10-30 - FOIA signed SNE approved re Housing Options Post-Incarceration.pdf

Ms. Ram:

Please find attached the reply to your FOIA.

Thank you,
Leslie L. Marion

Secretary II, Legal Department
Office of the Secretary,
Dept. of Military Affairs and Public Safety
Division of Corrections & Rehabilitation
Capitol Complex
Building 1, Suite W-400
1900 Kanawha Boulevard East
Charleston, WV 25305
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304-558-2930
304-558-1141 (Fax)



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY
DIVISION OF CORRECTIONS AND REHABILITATION



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COMMISSIONER

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1409 GREENBRIER STREET
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October 30, 2018

Sarika Ram
MuckRock News
DEPT MR 62751
411A Highland Ave
Somerville, MA 02144-2516
email: 62751-82901089@requests.muckrock.com

Re: FOIA

Ms. Ram:

Please be advised that this letter is in response to your Freedom of Information request received by the West Virginia Division of Corrections and Rehabilitation (WVDCR) on Friday, October 26, 2018, then again on Monday, October 29, 2018. This office did not receive a request dated October 20, 2018. For future reference any information you want needs to be requested from the Commissioner of the WVDCR, as she is the custodian of all information related to the WVDCR. The fax number to send FOIA requests to WVDCR is 304-558-5367.

Specifically, you have requested:

- *"Any informational and educational materials distributed in correctional facilities about housing options available to Inmates post-release"*
- *"Any currently valid policies/procedures detailing Department reentry services specific to accessing housing options post-release"*
- *"Any statistical reports detailing admission and release trends from between January 1, 2017 and December 31, 2017"*
- *"Any statistical reports detailing recidivism data from between January 1, 2017 and December 31, 2017"*
- *"Any statistical reports regarding inmates' housing status prior to and following commitment to the Department from between January 1, 2017 and December 31, 2017"*

Pursuant to West Virginia Code § 29B-1-3 you have the general right to inspect public records within the custody of a state agency, subject to certain limitations. Please be advised that the West Virginia Freedom of Information Act does not require a public agency to copy and send information in response to questions, but to provide access to already existing public records. Further, it does not require an agency to create a document responsive to your requests. Notwithstanding, the WVDCR responds to your request as set forth in W.Va. Code §29B-1-3(d)(2).

The records you seek at bullet points 1 and 2 are available for inspection by yourself or a designee at the office of the legal department for the WVDCR, but not necessarily in the form you seek them. They

may be reviewed during normal business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday. Prior to making your inspection, I ask you to contact the legal department at 304-558-2036 to schedule an appointment for your visit. Pertaining to bullet points 3, 4, and 5, please state with specificity what you are requesting, so that we may appropriately respond to these requests. Be advised that some of the records you have requested may not be available because they do not exist.

To the extent you consider any portion of this response as a denial, the responsibility of the West Virginia Division of Corrections and Rehabilitation to respond to your initial request is at an end. If you feel the information contained in this response is contrary to law you may institute an action for declaratory and/or injunctive relief in the Circuit Court of the county in which you assert the records are kept, subject to all jurisdictional procedural prerequisites, which are specifically not waived.

Sincerely,



Leslie Marion
FOIA Coordinator

SNE/lm